

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IVAN VON STAICH,

Plaintiff,

No. C 04-2799 PJH (PR)

vs.

SCHEDULING ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS; LINDA L. RIANDA,
Chief, Inmate Appeals Branch,
individually and in her official capacity;
and CTF-Soledad Captain J. CLANCY,
in his official capacity,

Defendants.

This is a civil rights case filed pro se by a state prisoner. In his complaint he contended that cutting his hair to comply with the prison grooming policy, which limited prisoners' hair to three inches in length, would violate his Nazirite religious beliefs, and that the punishment he received for failing to comply with the grooming policy violated Section 1983; 42 U.S.C. § 2000cc *et seq*, the Religious Land Use and Institutionalized Persons Act (RLUIPA); and 42 U.S.C. § 12102(2), the Americans with Disabilities Act (ADA).

Several claims were dismissed in the initial review order. After service and briefing, the court granted the motion to dismiss filed by the remaining defendants, Rianda and Clancy, entered judgment, and closed the case.

Plaintiff appealed the judgment in this case and that in a parallel habeas case, *Von Staich v. Hamlet*, No. C 02-5305 PJH (PR). The cases were consolidated on appeal. The Ninth Circuit affirmed the judgment in the habeas case and affirmed as to most points in this case, but reversed as to plaintiff's ADA claim and his injunctive relief claim under

1 RLUIPA. The Ninth Circuit remanded "to allow plaintiff leave to amend his complaint" to
2 allege that he is suffering "on-going punishment for his overlong beard."

3 The court entered an order reopening the case and granting plaintiff leave to file an
4 amended complaint. Plaintiff has amended and has filed a motion for injunctive relief.

5 In order to expedite the resolution of this case, the court orders as follows:

6 1. Defendants shall file an opposition to the motion for injunctive relief by January
7 28, 2008. If plaintiff desires to file a reply, he shall do so by February 11, 2008. The court
8 will then rule on the motion without oral argument.

9 2. Because leave to amend was granted in the court's scheduling order, the clerk
10 shall file the amended complaint, docketing it as filed on the date it was stamped
11 "received."

12 3. It appears that there are no factual disputes, so it should be possible to resolve
13 the case on motion. Dispositive motions are due within sixty days of the date this order is
14 entered. Any opposition to a dispositive motion shall be filed within thirty days of the date
15 the motion is served. Any reply shall be filed within fourteen days of the date the opposition
16 is served. The motions will be ruled upon without oral argument unless the court orders
17 otherwise at a later date.

18 4. No further discovery shall be conducted except with the permission of the court.

19 **IT IS SO ORDERED.**

20 Dated: January 10, 2008.



PHYLLIS J. HAMILTON
United States District Judge